

STATUS OF THE CLAIMS

Claims 1 – 7 are pending.

Claims 1 – 7 stand rejected.

Claim 1 has been amended.

Claims 8 – 16 were previously cancelled.

Claim 7 has been cancelled, without prejudice.

Claims 17 – 25 are newly added.

REMARKS

Summary of Examiner Interview

Applicants are grateful to the Examiner for the courtesy of an Examiner Interview on November 15, 2007. The Examiner indicated that claims drawn to a device (Original Claims 8 – 16 in the present) which were cancelled in the present case and were presented for prosecution as Claims 1 – 9 in a continuation application (Application No. 11/504,562) of the present case, may properly be presented for prosecution in the present case. Applicants further acknowledge Examiner's indication of patentability of Claims 1 – 9 in the continuation application over the cited art of record. Newly added claims 17 – 25 correspond to the original Claims 8 – 16 in the present case and Claims 1 – 9 in the continuation application.

Claim Rejections – 35 U.S.C. § 112

Claims 1 – 7 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner rejected Claims 1 and 7 for lacking antecedent basis for the term "the grey scale

portrayal." Applicants have amended Claim 1 to recite the term "a grey scale portrayal" and cancelled Claim 7 and submit that amended Claim 1 complies with the requirements of 35 U.S.C. § 112, second paragraph. Reconsideration and removal of this 35 U.S.C. § 112, second paragraph, rejection of Claim 1 is respectfully requested.

35 U.S.C. § 103 Rejection – Claim 7

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin (U.S. Patent 6,421,466) in view of Frey (U.S. Patent 5,925,875). Applicants have cancelled Claim 7, without prejudice, thereby rendering this 35 U.S.C. § 103(a) rejection moot.

Double Patenting Rejection

Claims 1 – 7 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 7 of copending Application No. 11/504,562. Attention is respectfully brought to MPEP § 804(I)(B)(1) which directs an Examiner to withdraw the ODP rejection, if "provisional" ODP is the only rejection remaining in the earlier filed application, and allow the earlier filed application to issue without requiring a terminal disclaimer. Reconsideration and removal of this non-statutory obviousness-type double patenting rejection is respectfully requested.

New Claims 17 – 25

New Claims 17 – 25 correspond to Claims 1 – 9 in the copending application No. 11/504,562 and have almost a one-to-one correspondence to Claims in the

Appl. No. 10/625,328
Reply to Office action of Aug. 14, 2007

present application, as acknowledged by the Examiner in the Office Action dated August 14, 2007 (Pages 3 – 6). Applicants have worded Claims 17 – 25 to overcome the Claims Objections and Claim Rejections under 35 U.S.C. § 112 set forth in the Office Action dated July 13, 2007 in the copending Application No. 11/504,562.

The Examiner indicated Claims 1 – 6, drawn to a method, are rejected only in the view of 35 U.S.C. § 112 and on the ground of nonstatutory obviousness type Double Patenting. Both of these rejections of Claims 1 - 6 are now moot, as set forth above, and Claims 1 – 6 are now allowable. Accordingly, newly added Claims 17 – 25, drawn to a device, and which correspond to Claims 1 – 6 are likewise allowable.

Applicants note that the grounds of rejection for Claims 1 – 9 of copending Application No. 11/504,562, and thus for Claims 17 – 25, are similar to those presented in the Office Action dated April 5, 2005 which were successfully overcome in the present case and were withdrawn in the Office Action dated October 17, 2006. Applicants, therefore, respectfully submit that newly added Claims 17 – 25 are allowable based on the withdrawal of the rejections.

CONCLUSION

Applicants believe they has addressed all outstanding grounds raised by the Examiner and respectfully submit the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicants' undersigned attorney at his number listed below.

Respectfully submitted,



Edward J. Howard
Registration No. 42,670
Phone Number: (215) 542 5824

c/o THOMSON Licensing Inc.
Patent Operation
PO Box 5312
Princeton, NJ 08453-5312

Dated: November 19, 2007